

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

SHEILA ROBINSON,

Plaintiff,

-against-

1:19-CV-661 (LEK/DJS)

STATE OF NY, *et al.*,

Defendants.

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**DECISION AND ORDER**

**I. INTRODUCTION**

Pro se plaintiff Sheila Robinson has brought this lawsuit under 42 U.S.C. § 1983, alleging violations of her civil rights by the State of New York, the City of Albany, the County of Albany, the Albany Police Department, Judge Helena Heath, Governor Andrew Cuomo, two Department of Social Services (“DSS”) workers, “Ann S.” and “Tammy,” and an unidentified number of John Doe Defendants. Dkt. No. 1 (“Complaint”). Plaintiff’s claims include violations of the Fourth, Fifth, Eighth, and Fourteenth Amendments, extortion under the Hobbs Act, bribery, retaliation, racketeering, corruption, and conspiracy. *Id.* at 1–6. Among other allegations, Plaintiff asserts that Defendants coerced dangerous drug dealers to sell drugs near Plaintiff’s apartment, convinced Plaintiff’s landlord to evict her, prevented DSS from helping her find a replacement apartment, and assisted “Jeff Bezio [sic]” of Amazon in a bid to take over her “brand.” *Id.*

Along with her Complaint, Plaintiff also filed an application to proceed in forma pauperis, Dkt. No. 2, which the Honorable Daniel J. Stewart, United States Magistrate Judge, granted, Dkt. No. 5. Judge Stewart then conducted a sufficiency review of Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915(e) and, based upon that review, recommended that the Court

dismiss Plaintiff's Complaint in its entirety. Dkt. No. 6 ("Report-Recommendation"). Plaintiff has not filed objections to the Report-Recommendation. See Docket. The Court now adopts the Report-Recommendation in its entirety.

## **II. STANDARD OF REVIEW**

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b); L.R. 72.1(c). If objections are timely filed, a court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at \*1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07 (N.D.N.Y. 2008), abrogated on other grounds by Widomski v. State Univ. of N.Y. at Orange, 748 F.3d 471 (2d Cir. 2014); see also Machicote v. Ercole, No. 06-CV-13320, 2011 WL 3809920, at \*2 (S.D.N.Y. Aug. 25, 2011) ("[E]ven a pro se party's objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal . . . ."). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." § 636(b).

## **III. DISCUSSION**

Plaintiff did not file objections to the Report-Recommendation. See Docket. Accordingly, the Court reviews the Report-Recommendation for clear error and finds none. Therefore, the Court adopts the Report-Recommendation in its entirety.

#### **IV. CONCLUSION**

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 6) is **APPROVED and ADOPTED** in its entirety; and it is further

**ORDERED**, that Plaintiff's claims against the State of New York, defendant Heath, and the Albany Police Department are **DISMISSED with prejudice**; and it is further

**ORDERED**, that Plaintiff's Hobbs Act extortion, bribery, racketeering, and corruption claims are **DISMISSED with prejudice**; and it is further

**ORDERED**, that Plaintiff's Fourth, Fifth, Eighth, and Fourteenth Amendment claims, conspiracy claims, retaliation claims, and RICO claims against Cuomo, the City of Albany, the County of Albany, Ann S., Tammy, and the John Doe Defendants are **DISMISSED with leave to replead**; and it is further

**ORDERED**, that the Clerk close this action; and it is further

**ORDERED**, that the Clerk serve a copy of this Decision and Order on Plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: March 30, 2020  
Albany, New York



Lawrence E. Kahn  
Senior U.S. District Judge